

Hello your Honor

C08-2420 CW

My NAME is CARL LEE CALLEGARI
AND I JUST SENT YOU A LAW SUIT
ABOUT MEDICAL this prison doctor REFUSE
ME MEDICAL TREATMENT.

HERE your Honor is the 3rd LEVEL decision
I had already SENT you the SECOND LEVEL
BECAUSE the 3rd LEVEL WAS LATE.
But you must SEE the 3rd LEVEL BECAUSE
IT MAKES my CASE better.

Thank you ~~Judge~~ Judge Thelton E.
HENDERSON.

ORIGINAL
FILED

MAY 23 2008

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

5-1-08

C08-2420
CW

~~CARL LEE CALLEGARI~~
CARL LEE CALLEGARI

Also Doctor Rodriguez told me
I had Hepatitis but NEVER GAVE ME
MEDICAL TREATMENT AND DOCTOR BOWMAN
TOLD ME THAT I HAD HEPATITIS BUT
NEVER GAVE ME MEDICAL TREATMENT.
MY WITNESS TO THE FACT THAT I WAS
TOLD I HAD HEPATITIS IS ~~THE PAPER~~
Psych doctors WILLIAMS AND TOBIN AND
DOCTOR RODRIGUEZ WHICH IS A MEDICAL
DOCTOR ON C-YARD THEY WILL TELL THE
THE TRUTH. AND I WOULD LIKE TO KNOW
HOW DID % JACKIE HALL KNOW THAT I
HAD HEPATITIS? HOW DID % JACKIE HALL
GET THIS INFORMATION? FROM WHAT DOCTOR?
AND WHAT HAPPEN TO THE MEDICAL RECORDS
OF MY HEPATITIS THAT THESE DOCTORS SAID I
HAVE?? AND ALSO DOCTOR SID KNEW
ABOUT THIS HEPATITIS!

DEPARTMENT OF CORRECTIONS AND REHABILITATION

INMATE APPEALS BRANCH

P. O. BOX 942883

SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: APR 25 2008

In re: Carl Callegari, E42616
Salinas Valley State Prison
P.O. Box 1020
Soledad, CA 93960-1020

IAB Case No.: 0720896

Local Log No.: SVSP-07-04844

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner C. Hammond, Staff Services Manager I. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: The appellant states almost four-and-half years ago a doctor at the Salinas Valley State Prison (SVSP) informed him he had Hepatitis A, B, and C. The appellant states according to the California Code of Regulations, Title 15, Section (CCR) 3354, he may write to the Warden to ask for an opinion by an outside doctor. The appellant requests to have the warden let him go to a doctor on the outside for a second opinion.

II SECOND LEVEL'S DECISION: At the First Level of Review (FLR), the appellant was interviewed by S. Mejias, Registered Nurse, on November 30, 2007. The appellant was informed that according to the CCR 3354, "health care personnel not employed by the department are not authorized to order treatment for an inmate. Such persons may offer opinions and recommendations for considerations by department health care staff." An inmate desiring to be "examined by a private physician, shall submit a written request to the institution head." There was no indication the appellant submitted such a request prior to submitting this appeal; therefore, his request is denied at this time. The appellant was also informed that as stipulated in the Title 15, the "costs of such private consultations shall be paid by he inmate or person requesting the service." The appellant was also informed his Unit Health Record (UHR) was reviewed, and there is no history of the appellant having the Hepatitis "C" Virus. The appellant was informed of this, and he verbalized understanding. The appeal was denied at the FLR on December 17, 2007.

In requesting a Second Level of Review (SLR), the appellant states, "This very same 602 is a written request to the warden asking to be tested by a private doctor on the outside world! i swear in 2003 a doctor on C-yard told me i (sic) have hepatitis A, B, C, and the cops also told me the same! i would like to have a doctor on the outside test me!" At the SLR, the appellant's UHR was thoroughly reviewed on January 14, 2008. A new screening test for Hepatitis A, B, and C was ordered, and the appellant has been confirmed for an appointment with his primary care provider (PCP) to discuss the results in approximately six weeks. The laboratory tests are processed and reported from an outside independent community laboratory. The appellant was also provided with information sheets on the Hepatitis A, B, and C and was told he may discuss any questions or concerns regarding his status at the follow-up appointment. The appeal was partially granted at the SLR on January 15, 2008.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: In requesting a Director's Level of Review (DLR) the appellant simply restates his initial complaint and adds no additional facts or significant points of argument to support his contention that he has Hepatitis A, B, and C. He continues to insist that he should be tested at by an outside doctor. The appellant's assertions are refuted as his UHR makes no mention of him ever having any form of Hepatitis; however, he was scheduled for a new screening test for Hepatitis A, B, and C, and he has been confirmed for an appointment to discuss the results with his PCP. The appellant is reminded the CCR 3354, establishes that only qualified medical personnel shall be permitted to diagnose illness and/or other conditions, and prescribe medical treatment for inmates. It is not appropriate to self-diagnose medical problems and expect a physician to implement the appellant's recommendation for a course of medical treatment. In this particular matter, the appellant's contention that he was not afforded

appropriate medical care is not supported by the medical records and professional health care staff familiar with his medical history. After review, there is no compelling evidence that warrants intervention at the DLR, as the appellant is receiving the health care services deemed medically necessary by his PCP, the Health Care Manager, diagnostic testing laboratories contracted by the Department, and other members of the SVSP medical staff.

B. BASIS FOR THE DECISION:

CCR: 3350, 3350.1, 3350.2, 3354

C. ORDER: No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief

Inmate Appeals Branch

cc: Warden, SVSP
Health Care Manager, SVSP
Appeals Coordinator, SVSP
Medical Appeals Analyst, SVSP

2nd

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM
CDC 602 (12-87)

Location: Institution/Parole Region

Log No.

Category

D1

1 SVSP d

1 01-04844

8

2

2

CTC HK

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

disagree w/ doctor @ Hep

NAME CALLEGARI	NUMBER E-42616	ASSIGNMENT	UNIT/ROOM NUMBER D-7-219
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A. Describe Problem:

Almost 4 AND HALF YEARS AGO A doctor AT THIS prison told me that i had HEPATITIS A, B, AND C. 3354. HEALTH CARE RESPONSIBILITIES AND LIMITATIONS. I CAN WRITE YOU AND ASK FOR A OUTSIDE doctor opinion.

If you need more space, attach one additional sheet.

3. Action Requested:

DUE to the fact that i live in fear living WITH HEPATITIS A, B, C, i ASK you WARDEN EVANS to let ME go to A doctor ON the OUTSIDE for A SECOND opinion!

RECEIVED DEC 21 2007

Inmate/Parolee Signature:

Callegari

RECEIVED NOV 05 2007

Date Submitted:

Nov, 4, 07

2. INFORMAL LEVEL (Date Received: _____)

Staff Response

BYPASS

RECEIVED
JAN 24 2008
INMATE APPEALS
BRANCH

Staff Signature: _____

Date Returned to Inmate: _____

1. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim



SVSP-D-07-04844 (Calleja)

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 11-6-07 Due Date: 12-20-07

Interviewed by: RN S. Mejias on 11/30/07 Denied. CCR Title 15 Section 3354 states that health care personnel not employed by the department are not authorized to order treatment for an inmate. Such persons may offer opinions and recommendations for consideration by department health care staff." An inmate desiring to be "examined by a private physician, shall submit a written request to the institution head." There is no indication that you did so prior to submitting this appeal therefore your request is denied at this time. therefore your request is denied at this time. You are requested to submit that written request to the institution head. Please keep in mind, as stipulated in the Title 15, that the "costs of such private consultations or examinations shall be paid by the inmate or the person requesting the service." However, your unit health record was reviewed and there is no history of hepatitis C found. You were informed of this and you verbalized understanding.

Staff Signature: [Signature] Title: RN Date Completed: 12/17/07
 Division Head Approved: [Signature] Title: SRM Date Returned to Inmate: RETD DEC 18 2007
 Signature: [Signature] Title: SRM Date Returned to Inmate: RETD DEC 18 2007

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

THIS VERY SAME 602 IS A WRITTEN REQUEST TO THE WARDEN ASKING TO BE TESTED BY A PRIVATE DOCTOR ON THE OUTSIDE WORLD. I SWEAR IN 2003 A DOCTOR ON C-YARD TOLD ME THAT I HAVE HEPATITIS A, B, C, AND THE COPS ALSO TOLD ME THE SAME. I WOULD LIKE TO HAVE A DOCTOR ON THE OUTSIDE TEST ME.

Signature: Carl Calleja RECEIVED DEC 21 2007 Date Submitted: 12-20-07

Second Level ☐ Granted ☐ P. Granted ☐ Denied ☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 12-21-07 Due Date: 1-23-08☒ See Attached Letter

Signature: [Signature] Date Completed: 1/14/08
 SUPERINTENDENT SIGNATURE: [Signature] Date Returned to Inmate: RETD JAN 17 2008

H. If dissatisfied, add data of reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

WHAT HAPPEN TO THE MEDICAL RECORDS OF THIS HEPATITIS? ONCE AGAIN I ASK FOR A OUTSIDE DOCTOR TO TEST ME. Doctor ADYA AND Gibbs Doctor AND doctor Todd All told me that I had HEPATITIS A, B, C, but NEVER GIVE ME TREATMENT. ALSO PER A Buch-Doctors Williams AND TOBIN ALSO TOLD ME THAT I HAD HEPATITIS AND JO JACKIE HALL HUMILIATION ME A LOT OF TIMES TELLING ME I HAD HEPATITIS. I DO NOT TRUST THE MEDICAL STAFF - NEXT PAGE

Signature: Carl Calleja Date Submitted: JAN 17, 08

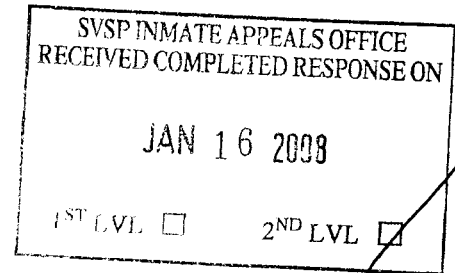
For the Director's Review, submit all documents to: Director of Corrections
 P.O. Box 942883
 Sacramento, CA 94283-0001
 Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☒ Denied ☐ Other
☒ See Attached Letter

Memorandum

Date: January 15, 2008

To: Inmate Callegari, E42616
Salinas Valley State Prison



Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER-SVSP-D-07-04844

ISSUE:

Appellant is claiming that he has been told that he has been diagnosed with Hepatitis A, B, and C and that he is entitled to an outside doctor's opinion.

Appellant requests on appeal that he be sent to "a doctor on the outside for a second opinion".

INTERVIEWED BY: Registered Nurse S. Mejias on November 30, 2007..

REGULATIONS: The rules governing this issue are:

California Code of Regulations, Title 15 Section:
3350 Provision of Medical Care and Definition
3350.1 Medical Treatment/Service Exclusions
3354.1 Health Care Responsibilities and Limitations

SUMMARY OF INVESTIGATION:

The First Level of Review (FLR) was completed on December 17, 2007. Ms. D. Tyler, Nurse Practitioner, in collaboration with Dr. K. Brannon, Chief Physician and Surgeon (A), was assigned to investigate this appeal at the Second Level of Review (SLR). All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination has been conducted regarding the claim presented, and evaluated in accordance with Salinas Valley State Prison (SVSP) Operational Procedures (OP); the California Code of Regulations (CCR); and the Departmental Operations Manual (DOM).

In the response at the FLR, the reviewer stated that the appellant's appeal had been denied. CCR Title 15 Section 3354 states that "health care personnel not employed by the department are not authorized to order treatment for an inmate. Such persons may offer opinions and recommendations for consideration by department health care staff." An inmate desiring to be "examined by a private physician, shall submit a written request to the institution head." There is no indication that the appellant did so prior to submitting this appeal therefore his request was denied. The appellant was requested to submit that written request to the institution head, and was asked to keep in mind, as stipulated in the Title

Case No. SVSP-D-07-04844

Page 2

15, that the "costs of such private consultations or examinations shall be paid by the inmate or the person requesting the service." However, the appellant's unit health record was reviewed and there is no history of hepatitis C found. He was informed of this and verbalized understanding.

The appellant elevated his request to the SLR on December 20, 2007 stating that "this very same 602 is a written request to the Warden asking to be tested by a private doctor on the outside world! I swear in 2003 a doctor on C-yard told me that I have Hepatitis A, B, and C and the cops also told me the same. I would like to have a doctor on the outside test me!"

A thorough review of the appellant's Unit Health Record was conducted on January 14, 2008. The appellant's request is partially granted in that a new screening test for Hepatitis A, B, and C has been ordered and the appellant has been confirmed for an appointment with his Primary Care Provider to discuss the results in approximately six (6) weeks. The labs are processed and reported from an outside independent community laboratory. The appellant was also provided with information sheets on Hepatitis A, B, and C and was told that he may discuss any questions/concerns he may have about his status at the follow-up appointment.

DECISION: The appeal is Partially Granted.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.


CHARLES D. LEE, M.D.
Health Care Manager
Salinas Valley State Prison



INMATE APPEAL ROUTE SLIP

To: CTC / *Dr. Benson*

Date: December 21, 2007

From: INMATE APPEALS OFFICE

Re: Appeal Log Number **SVSP-D-07-04844** By Inmate CALLEGARI, E42616

Please assign this appeal to appropriate staff for **SECOND** level response.

Appeal Issue: MEDICAL

Due Date: **01/23/2008**

Special Needs:

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

T. VARIZ, CC-II / E. MEDINA CC-II
Appeals Coordinators
Salinas Valley State Prison

INMATE APPEAL ROUTE SLIP

To: CTC

Date: November 6, 2007

From: INMATE APPEALS OFFICE

Re: Appeal Log Number **SVSP-D-07-04844** By Inmate **CALLEGARI, E42616**

Please assign this appeal to appropriate staff for **FIRST** level response.

Appeal Issue: MEDICAL

Due Date: **12/20/2007**

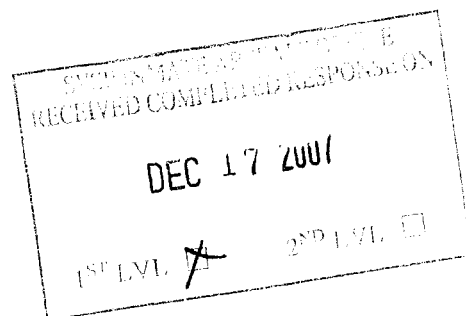
Special Needs:

STAFF INSTRUCTIONS: **Per Director's Rule 3084.5(f) (2) first level appeal review requires a personal interview with the inmate unless the appeal is granted.** This policy is not within the institution's jurisdiction and cannot be waived. Director's Rule 3084.5(f) (3) provides that a telephonic interview may be conducted if the inmate is not available in person.

Begin response with GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return appeal to the Appeals Office. All first level appeals require signature of the Division Head. Appeals that are incomplete will be returned for appropriate completion.

Refer to D.O.M. 54100 for instructions.

T. VARIZ, CC-II / E. MEDINA CC-II
Appeals Coordinators
Salinas Valley State Prison



STATE OF CALIFORNIA
COUNTY OF MONTEREY

(C.C.P. SEC. 466 & 2015.5; 28 U.S.C. SEC. 1746)

I, CARL LEE CALLEGARI declare under penalty of perjury that: I am the APPELLANT in the above entitled action; I have read the foregoing documents and know the contents thereof and the same is true of my own knowledge, except as to matters stated therein upon information, and belief, and as to those matters, I believe they are true.

Executed this JAN day of 17, 2008, at Salinas Valley State Prison, Soledad, California 93960-1050.

(Signature) Carl Callegari
DECLARANT/PRISONER

PROOF OF SERVICE BY MAIL
(C.C.P. SEC 1013(a) & 2015.5; 28 U.S.C. SEC. 1746)

I, CARL CALLEGARI, am a resident of California State Prison, in the County of Monterey, State of California; I am over the age of eighteen (18) years and am/am not a party of the above entitled action. My state prison address is: P.O. Box 1050, Soledad, California 93960-1050.

On JAN, 17, 2008, I served the foregoing: 3rd APPEAL
RESPONSE - Log Number - SVSP-D-07-04844

(Set forth exact title of document(s) served)

On the party(s) herein by placing a true copy(s) thereof, enclosed in sealed envelope(s), with postage thereof fully paid, in the United States Mail, in a deposit box so provided at Salinas Valley State Prison, Soledad, California 93960-1050.

CHIEF OF INMATE APPEALS
DEPARTMENT OF CORRECTIONS
P.O. BOX 942883
SACRAMENTO, CA. 94283-0001

(List parties served)

There is delivery service by United States Mail at the place so addressed, and/or there is regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: JAN, 17 2008

Carl Lee Callegari
DECLARANT/PRISONER

STATE OF CALIFORNIA
COUNTY OF MONTEREY

(C.C.P. SEC. 466 & 2015.5; 28 U.S.C. SEC. 1746)

I, CARL LEE CALLEGARI declare under penalty of perjury that: I am the PLAINTIFF in the above entitled action; I have read the foregoing documents and know the contents thereof and the same is true of my own knowledge, except as to matters stated therein upon information, and belief, and as to those matters, I believe they are true.

Executed this 1 day of MAY, 2008, at Salinas, Valley State Prison, Soledad, California 93960-1050.

(Signature) Carl Lee Callegari
DECLARANT/PRISONER

PROOF OF SERVICE BY MAIL

(C.C.P. SEC 1013(a) & 2015.5; 28 U.S.C. SEC. 1746)

I, Carl Lee Callegari, am a resident of California State Prison, in the County of Monterey, State of California; I am over the age of eighteen (18) years and am/am not a party of the above entitled action. My state prison address is: P.O. Box 1050, Soledad, California 93960-1050.

On May 1, 2008, I served the foregoing: DIRECTOR'S 3rd LEVEL APPEAL DECISION

(Set forth exact title of document(s) served)

On the party(s) herein by placing a true copy(s) thereof, enclosed in sealed envelope(s), with postage thereof fully paid, in the United States Mail, in a deposit box so provided at Salinas Valley State Prison, Soledad, California 93960-1050.

U.S. Courthouse, 450 GOLDEN GATE AVE, SAN FRANCISCO, CA
HENDERSON, THELTON E.

(List parties served)

There is delivery service by United States Mail at the place so addressed, and/or there is regular communication by mail between the place of mailing and the place so addressed.

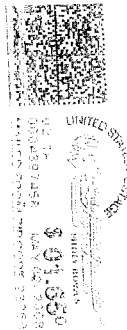
I declare under penalty of perjury that the foregoing is true and correct.

DATED: _____, 20____

DECLARANT/PRISONER

ATMOTIVT2027

Carl Lee Gallagher - E-42616
Salinas Valley State Prison
P.O. Box 1050-D-7-219
Soledad, CA. 93960



STATE PRISON
GENERATED MAIL

Senior District Judge
Heblerson, Melton E.
U.S. Courthouse
450 Golden Gate Ave
San Francisco, CA. 94102-3483

LEGAL MAIL